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Filed : October 29, 2003

COMMENTS

Claims 1-45 remain pending in the present application, Claims 1-3, 11-13, 16-18, 26-28, 31-33, and 41-43 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed May 20, 2005, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Amendments To Specification Address Noted Informalities

The foregoing amendments to the specification correct informalities noted by the Applicants. These amendments are made to provide the text missing from the Summary of the Invention. The text added is fully supported by the specification as originally filed. For example, Applicants respectfully direct the examiner to original Claims 1, 16, and 31. Thus, the amendments do not add new matter and entry of the amendments is respectfully requested.

All Pending Claims Now Fully Comply With 35 U.S.C. § 112

Claims 2, 3, 11-13, 17, 18, 26-28, 32, 33, and 41-43 stand rejected under 35 U.S.C. § 112, second paragraph, the Examiner maintaining that the language therein is indefinite as filed. In response, Applicants have amended these claims solely to make these claims more easily readable and not to narrow or affect the scope of the claims. In particular, Applicants have amended these claims to change the term "can" to "is" or "is configured to". Thus, all of the equivalents of the originally recited recitations of these claims are also equivalents of the now retied recitations. All pending claims now fully comply with the requirements of 35 U.S.C. § 112.

King Does Not Anticipate Claims 16 and 26

Claims 16 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,970,492 issued to King. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 16. Applicants also expressly reserve the right to further prosecute the original versions of Claims 16-30 through continuation practice.

Briefly, an aspect of at least one of the embodiments disclosed in the present Application is directed to the feature of notifying an operator of a device with an internal

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combustion engine that the lubricant used therein needs to be changed at the time when the operator starts the engine. This is beneficial because, when the operator is just starting the engine, the operator is at a cross-road. For example, because the operator is only just starting the engine, the operator is more likely to be less committed to actually continuing operation of the engine.

In one exemplary environment of use, i.e., a personal watercraft, the operator is in an open cockpit and thus, there is a substantial amount of sunlight. Further, once the operator has driven out into open water, a reminder to change the lubricant is less likely to be remembered. Further, when driving a personal watercraft, which has an open cockpit, it can be difficult to remember to address notifications that may have been issued while driving the watercraft in open water.

Thus, where the operator of the watercraft is notified that the lubricant should be changed when the engine is being started, the operator is not likely to have driven into open water. Thus, the operator is more likely to have the oil changed before driving out into open water, thereby better protecting the engine.

The King reference teaches a system for notifying an operator of a motor vehicle of the status of the lubricating oil in the associated engine. However, King does not disclose, either expressly or inherently, that the notification is issued to the operator when the engine is being started.

In contrast, Claim 16 now recites, among other recitations, a “method for determining when a lubricant no longer possesses proper lubricant properties, the lubricant lubricating at least one movable member within an internal combustion engine, the internal combustion engine being controlled by a control unit, the control unit comprising a lubricant service monitoring system, at least one memory allocation and a perceptible alarm, the method comprising the lubricant service monitoring system recording an engine operating time value into the memory allocation and activating the perceptible alarm when the engine is being started and if the allocated engine operating time value exceeds a predetermined value.”

Applicants respectfully direct the Examiner to Paragraph No. 54 which discloses that “[f]or example, when the operator turns the main switch 46 to start the engine 16 at least one light from the warning light display 66 illuminates. If a first predetermined lubricant time period has not yet elapsed the green light 68 can illuminate to inform the

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operator that the lubricant can still provide the engine with the required lubrication properties.”

King fails to teach such a combination of features. Thus, Applicants submit that Claim 16 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claims 17-30 also define over the King reference, not only because they depend from Claim 16, but also on their own merit.

King Does Not Anticipate Claims 31 and 41

Claims 31 and 41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,970,492 issued to King. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 31. Applicants also expressly reserve the right to further prosecute the original versions of Claims 31-45 through continuation practice.

As noted above, the King reference teaches a system for notifying an operator of a motor vehicle of the status of the lubricating oil in the associated engine. However, King does not disclose that the notification is issued to the operator when the engine is being started.

In contrast, Claim 31 now recites, among other recitations, a “machine comprising an internal combustion engine, the internal combustion engine comprising an engine body, a movable member relative to the engine body and a lubrication system, the lubrication system comprising a lubricant used to lubricate at least the movable member, a control system comprising a lubricant service monitoring system, the lubricant service monitoring system comprising a timer, at least one memory allocation, and an alarm, the timer recording an engine operating time value, the memory allocation holding the engine operating time value, an alarm unit responsive to output a perceptible alarm when the engine is being started and if the engine operating time value has exceeded a predetermined engine operating time value limit.”

Applicants respectfully direct the Examiner to Paragraph No. 54 which discloses that “[f]or example, when the operator turns the main switch 46 to start the engine 16 at least one light from the warning light display 66 illuminates. If a first predetermined lubricant time period has not yet elapsed the green light 68 can illuminate to inform the operator that the lubricant can still provide the engine with the required lubrication properties.”

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King fails to teach such a combination of features. Thus, Applicants submit that Claim 31 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claims 32-45 also define over the King reference, not only because they depend from Claim 31, but also on their own merit.

The Applied Combination of King/Kanno Does Not Make Obvious Claims 1 and 11

Claims 1 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over King in view of Kanno. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, as noted above, Applicants have amended Claim 1. Applicants also expressly reserve the right to further prosecute the original versions of Claims 2-15 through continuation practice.

As noted above, the King reference teaches a system for notifying an operator of a motor vehicle of the status of the lubricating oil in the associated engine. However, King does not disclose that the notification is issued to the operator when the engine is being started.

In contrast, Claim 1 now recites, among other recitations, a “watercraft comprising an internal combustion engine, the internal combustion engine comprising an engine body, a movable member movable relative to the engine body and a lubrication system, the lubrication system comprising a lubricant used to lubricate at least the movable member, a control system comprising a lubricant service monitoring system, the lubricant service monitoring system comprising a timer, at least one memory allocation, and an alarm, the timer being configured to record an engine operating time value, the memory allocation being configured to hold the engine operating time value, an alarm unit responsive to output a perceptible alarm when the engine is being started if the engine operating time value has exceeded a predetermined engine operating time value limit.”

Applicants respectfully direct the Examiner to Paragraph No. 54 which discloses that “[f]or example, when the operator turns the main switch 46 to start the engine 16 at least one light from the warning light display 66 illuminates. If a first predetermined lubricant time period has not yet elapsed the green light 68 can illuminate to inform the operator that the lubricant can still provide the engine with the required lubrication properties.”

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King fails to teach such a combination of features. Further, nothing in Kanno rectifies the failures of King. Thus, Applicants submit that Claim 1 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claims 2-15 also define over the King and Kanno references, not only because they depend from Claim 31, but also on their own merit.

The Applied Combinations of King/Kanno/Vajgart et al./Tharman et al./Knight Does Not Make Obvious Claims 2-15, 27-30, and 32-45

Claims 2-15, 27-30, and 32-45 stand rejected under 35 U.S.C. § 103(a) as being obvious over various combinations of King, Kanno, Vajgart et al., Tharman et al., and Knight. Applicants respectfully traverse the present rejections. However, in order to expedite prosecution of the present application, as noted above, Applicants have amended all of the independent Claims; i.e., Claims 1, 16, and 31. As noted above, Applicants submit that Claims 1, 16, and 31 clearly and non-obviously define over the prior art references. Applicants also submit that Claims 2-15, 27-30, and 32-45 also define over these references, not only because they depend from one of Claims 1, 16, or 31, but also on their own merit.

Response to Drawing Objection

The drawings, and in particular, Figure 1, stands objected to for failing to include a text description of the box identified with the numeral "16." Applicants respectfully traverse the present objection.

Applicants wish to note that Figure 2 includes the text description "engine" inside the box identified with the numeral "16". Thus, Applicants submit that no correction is necessary.

If, however, the Examiner maintains this objection, Applicants will submit a correction to Figure 1.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and drawings. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any

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undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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